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Amembassy MOSCOW (BY POUCH)

2328

Bonn's/2328 rptd Berlin 497 USAREUR 371 pouched London Paris.

As indicated DEPTTEL 1908 Department foresees serious dangers in present course of developments re military trains. While it is possible that Soviet stamping of orders at checkpoint can be regarded as technical detail not incompatible with Allied right of access, it probably forms part of pattern of continuing Soviet effort put themselves in position control who may travel on military trains. We may therefore merely be postponing time at which basic issue must be faced in manner likely involve train stoppage and high level protests. Whatever course of action we may follow on stamping issue, Department considers it imperative we impress on Soviets as forcefully as possible our determination maintain our fundamental position that question of who is to travel on our military trains is solely for decision by Ambassadors and Commanding Generals.

Embassy's and Berlin's reports of British and French position and

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assessment of Soviet firmness indicate we are now faced with alternative of acceding to Soviet demand re stamping or suffering unilateral suspension our train travel without UK and French support. Our position is weakened further by fact movement orders on US freight trains have been stamped by Soviets for two years. (We agree entirely with USAREUR stamping Autobahn orders in no way analogous to that of passengers traveling on military train). It seems undesirable to make major issue of this procedure if withdrawal is to follow. These factors suggest desirability that any change in procedure be effected in such a way that fundamental principle does not suffer.

If Embassy unable to work out tripartitely any better solution which would offer reasonable prospect of success, we therefore prepared accept position set forth para 1 a, b, c REFTTEL but suggest that Three Political Advisers leave with Kotsiuba memorandum making following points: In deciding to permit Soviets, if they so desire, to put stamp on movement orders Three Powers consider such procedure meaningless. Such procedure does not imply any recognition of Soviet authority to question validity of those orders, either generally or for the particular travel, or to raise any question regarding individual passengers in connection with train clearance. Ambassadors and Commanders-in-Chief in Germany have sole competence to determine who may travel to and from Berlin in connection with occupation of Berlin and whether orders valid for such travel. Role of Soviet authorities in connection with documentation these passengers is solely to clear without delay properly identified Allied Autobahn passengers and properly documented Allied military trains.

Such paper would record officially our position and serve as point of reference in future communications to Soviets in event of further difficulties. Technical

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conditions suggested by British re stamping might better be presented orally since including them in memorandum stating basic principles would detract from effect.

In connection possibility QUOTE better solution offering reasonable prospect of success UNQUOTE Embassy will wish consider tripartitely proposals in USAREUR's SX 1541 and SX 1315.

Defense concurs this message.

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